

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 19 and 25 will have been amended and claims 38 and 39 will have been canceled without prejudice or disclaimer. Moreover, Applicants expressly reserve the right to refile the subject matter of at least claims 19 and 25, as previously presented, in one or more continuing applications. Accordingly, claims 19 – 37 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has indicated that claims 38 and 39 contain allowable subject matter and would be allowable if presented in independent forms that include all of the features of their respective base claims and any intervening claims. Further, the Examiner has rejected claims 19 – 37 over the applied art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Amendment is Proper for Entry

Applicants note that the present amendment merely presents claims 38 and 39, which were indicated in the pending Office Action as containing allowable subject matter, into independent and allowable forms (as independent claims 19 and 25). In particular, the allowable subject matter of claims 39 and 38 has been respectively recited in independent claims 19 and 25.

In view of the foregoing, Applicants submit that no new issues requiring further search and consideration and no question of new matter are raised in entering the present amendment.

Further, as the present amendment places the pending application and all pending claims into condition for allowance, Applicants submit that entry of this amendment is proper and therefore is requested.

Acknowledgment of Allowable Subject Matter

Applicants gratefully acknowledge and agree with the Examiner's indication that claims 38 and 39 contain allowable subject matter and would be allowable if presented in independent forms that include all of the features of their respective base claims and any intervening claims. Further, by the present amendment, the allowable subject matter of claim 39 has been incorporated into independent claim 19 and the allowable subject matter of claim 38 has been incorporated into independent claim 25.

Therefore, Applicants submit that these claims are allowable and request that the Examiner confirm the same in the next official communication.

Comments on the Examiner's Reasons for Allowability

Applicants take this opportunity to respond to the statement of reasons for indicating allowable subject matter set forth on page 7 of the pending final Office Action.

Although Applicants do not here express disagreement with the Examiner in his indication of allowable subject matter, Applicant notes that the allowable claims recite a plurality of features and the patentability of the allowable claims should be considered to be based upon the totality of the features recited therein, *i.e.*, the invention should be "considered as a whole," as defining over the prior art. *See, e.g., Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir. 1987).

For example, Applicants submit that the reasons for allowance do not preclude the existence of additional reasons that could be cited as supporting the patentability of the allowed claims, *i.e.*, the independent claim as well as the dependent claims.

Rejection 35 U.S.C. §103(a) is Moot

1. Over Lampkin '766 in view of Narizuka

Applicants submit that the rejection of claims 19 – 23, 25, 28 – 33, and 36 under 35 U.S.C. §103(a) as being unpatentable over LAMPKIN (U.S. Patent Application Publication No. 2002/0092766) [hereinafter “LAMPKIN ‘766”] in view of NARIZUKA et al. (U.S. Patent No. 5,320,729 [hereinafter “NARIZUKA”]).

While Applicants do not agree that the embodiments of the invention previously recited in at least independent claims 19 and 25 are rendered unpatentable over any proper combination of the applied art under 35 U.S.C. § 103(a), in an effort to advance prosecution, Applicants have, as described above, amended independent claims 19 and 25 to include the allowable subject matter of claims 39 and 38, respectively. Moreover, Applicants expressly reserve the right to refile the subject matter of the independent claims 19 and 25, as previously submitted, in one or more continuing applications.

In view of the foregoing, Applicants submit that the pending rejection is now moot, and request that the Examiner reconsider and withdraw the pending rejection and indicate that the claims are allowable.

2. Over Lampkin '766 in view of Narizuka and further in view of Belkind

Applicants submit that the rejection of claims 24 and 37 under 35 U.S.C. §103(a) as being unpatentable over LAMPKIN ‘766 in view of NARIZUKA, and further in view of BELKIND et al. (U.S. Patent No. 5,338,422) [hereinafter “BELKIND”].

As independent claims 19 and 25 are allowable for the reasons set forth above, Applicants submit that claims 24 and 37 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of the applied art under 35 U.S.C. § 103(a) can render obvious the embodiments of the invention recited in claims 24 and 37.

In view of the foregoing, Applicants submit that that the pending rejection is now moot, and request that the Examiner reconsider and withdraw the pending rejection and indicate that the claims are allowable.

3. Over Lampkin '766 in view of Narizuka and further in view of Lampkin '517

Applicants submit that the rejection of claims 26, 27, and 34 under 35 U.S.C. §103(a) as being unpatentable over LAMPKIN '766 in view of NARIZUKA, and further in view of LAMPKIN (U.S. Patent No. 5,405,517) [hereinafter "LAMPKIN '517"].

As independent claim 25 is allowable for the reasons set forth above, Applicants submit that claims 26, 27, and 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of the applied art under 35 U.S.C. § 103(a) can render obvious the embodiments of the invention recited in claims 26, 27, and 34.

In view of the foregoing, Applicants submit that that the pending rejection is now moot, and request that the Examiner reconsider and withdraw the pending rejection and indicate that the claims are allowable.

4. Over Lampkin '766 in view of Narizuka and further in view of Lehan

Claim 35 is rejected under 35 U.S.C. §103(a) for being unpatentable over LAMPKIN '766 in view of NARIZUKA, and further in view of LEHAN et al. (U.S. Patent No. 5,814,195) [hereinafter "LEHAN"]. These rejections are respectfully traversed.

As independent claim 25 is allowable for the reasons set forth above, Applicants submit that claim 35 is allowable at least for the reason that it depends from an allowable base claim and because it recites additional features that further defines the present invention. In particular, Applicants submit that no proper combination of the applied art under 35 U.S.C. § 103(a) can render obvious the embodiments of the invention recited in claim 35.

In view of the foregoing, Applicants submit that the pending rejection is now moot, and request that the Examiner reconsider and withdraw the pending rejection and indicate that the claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

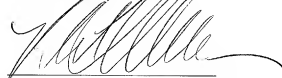
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 19 – 37. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
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